

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
BECKLEY DIVISION**

**JAMES RIVER EQUIPMENT,  
VIRGINIA, LLC,**

**Plaintiff,**

**v.**

**CIVIL ACTION NO. 5:13-28160**

**JUSTICE ENERGY COMPANY, INC.**

**Defendant.**

**JOINT STIPULATION OF DISMISSAL WITH PREJUDICE AND RESERVATION OF  
APPELLATE RIGHTS AS TO SANCTION ISSUED BY COURT AGAINST  
JUSTICE ENERGY COMPANY, INC.**

Pursuant to the parties' agreement and FED. R. CIV. P. 41(a)(1)(A)(ii), the parties stipulate and agree to dismissal of the above civil action with prejudice. Each party shall bear its own attorney fees, costs and expenses.

Defendant Justice Energy Company, Inc. ("Justice Energy") expressly reserves its right to appeal the Court's sanction order(s) (as well as the underlying order(s)) and requests that this Court enter a separate judgment order pursuant to the Fed. R. Civ. P. 58 rendering the sanction order(s) final and appealable.

**JUSTICE ENERGY COMPANY, INC.**

*By Counsel*

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 3<sup>rd</sup> day of October, 2017, I electronically filed the foregoing “JOINT STIPULATION OF DISMISSAL WITH PREJUDICE AND RESERVATION OF APPELLATE RIGHTS AS TO SANCTION ISSUED BY COURT AGAINST JUSTICE ENERGY COMPANY, INC.” with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to counsel of record:

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I further hereby certify that I have mailed the document by United States Postal Service to the following:

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